

QUARTERLY BOARD MEETING OF THE STATE PLUMBING BOARD OF LOUISIANA

BATON ROUGE, LOUISIANA

February 10, 2011

The Quarterly Board Meeting of the State Plumbing Board of Louisiana was called to order by Chairman, James Finley, at 10:04 a.m.

The following persons were in attendance:

BOARD MEMBERS	ADVISORY BOARD	STAFF	GUESTS
James Finley	Carl Bourgeois	John Barker	Louis Robein – RUSPC
Jerry Payne	Don Turner	Christina Hymel	Leon Molinario
Kelly Craft	Richard Paulk	Kathryn Doucet	DJ Berger – Local 60
Keith Bienvenu	Dirk Payne	Corky Dwight	John Mata - IAPMO
Larry Reiling		Pat Olivier	Sean Cleary - IAPMO
Rickey Fabra		Glen Gremillion	David Cloteaux
		Chris Bodet	Harry Roach – Local 60
		Steve Porter	Parker Perot - PHCC
		Blaine Matte	Blaine Heltz – St. John Parish
		Cliff Slaughter	Heather Gremillion - PHCC
			Al Smith - Sears
			Jeremy Harris – LA DHH-OPH
			Lynne Finley
			Connie Gawith
			Ed Guillory – Home Depot
			Conny Clark
			Stanley Briers - ICE
			George Robichaux - DHH

INVOCATION: *Keith Bienvenu*

PLEDGE OF ALLEGIANCE

ROLL CALL: *Christina Hymel*

PRESENTATIONS

a.) *Stanley Breiers*

Mr. Briers thanked the Board for allowing ICE to be a course material provider for continuing professional education. He noted the back cover of the course book

and the depiction of the tragedy that happened on 9/11. Mr. Briers presented a framed portrait of this same depiction to the Board to display in the office. He also presented copies of the portrait to each Board member.

b.) *New Staff Member*

Mr. Barker introduced new part-time staff member Kathryn Doucet. Mrs. Doucet is responsible for Human Resources and Accounting.

APPLICATION COMMITTEE

a.) *Conny Clark*

Mr. Clark appeared before the Board because he applied to take the Journeyman Plumber exam but was unable to obtain the required vouchers. Mr. Clark also requested verification of his plumbing experience from the Texas State Board of Plumbing Examiners but was unsuccessful because their records do not go back that far. Mr. Clark explained his work history to the Board in detail. The Board agreed to allow Mr. Clark to take the journeyman exam provided he attach a resume of his work experience to his application.

MOTION: to allow Mr. Conny Clark to take the journeyman plumber exam provided he attaches resume of his work experience to his application

MOTION: RICKEY FABRA
SECOND: LARRY REILING
MOTION: CARRIED

Mr. Bienvenu suggested that rather than a resume, Mr. Clark should have to submit a summary of his work history in an affidavit format and have it notarized. Mr. Fabra rescinded his previous motion and made the following motion.

MOTION: to allow Mr. Conny Clark to take the journeyman plumber exam provided he attached a notarized affidavit stating his work history

MOTION: RICKEY FABRA
SECOND: LARRY REILING
MOTION: CARRIED

GUESTS

NONE

ENFORCEMENT

NONE

SPECIAL REQUESTS

NONE

TRAINING PROGRAM APPROVAL

a.) ***IAPMO applying to be a WSPS Course Provider***

Mr. John Mata introduced himself as the Southwest Regional Manager for IAPMO and agreed to answer any questions the Board may have regarding the application. He also mentioned that Mr. Sean Cleary was in attendance and could answer any questions as well. Mr. Finley asked if IAPMO would be applying to be a continuing professional education provider for WSPS as well. Mr. Mata deferred the question to Mr. Cleary who stated that IAPMO would like to provide the continuing education as well as the 40 hour program. Mr. Barker then informed the Board members that the administrative staff had reviewed the application and everything appeared to be in order.

MOTION: To approve IAPMO as a Water Supply Protection Specialist 40 hour Program Provider
MOTION: RICKEY FABRA
SECOND: LARRY REILING
MOTION: CARRIED

COMMITTEE REPORTS

a.) ***Continuing Professional Education Committee***

The Continuing Professional Education (CPE) Committee met on January 19, 2011. Mr. Donald J. Berger presented the committee's suggestions as follows:

1.) Application Fee

As per Louisiana *Professional and Occupational Standards, Title 46, Part LV, Chapter 10, §1001.C.2.l, §1003.B.12.h, §1005.D.2.i*. “**an application fee to be set as provided by law**” may allow the LSPB the ability to establish procedures for the collection of fees from the LSPB-approved Training Providers for each person trained by that Training Provider. This fee may be justified as a means of offsetting administrative cost incurred by the LSPB related to coordination of LSPB Continuing Professional Education (CPE). *State of Louisiana, RS 37:1366.i* “**The Board may establish and determine by rule minimum requirements relative to continuing professional development for the renewal or reinstatement of any license or special endorsement issued by the board**” may be utilized by the board as a means to establish said application fee procedures.

The amount of the proposed application fee was discussed at this meeting. It was decided that the suggested fee be **twenty-five dollars (\$25)**. Payment would be submitted by Training Providers within **thirty (30) days**, by means of invoicing generated by the LSPB. Invoiced amounts will be based off of official rosters which are presently required to be

submitted to the LSPB by LSPB-approved Training Providers within ten (10) days of completion of any offered course.

2.) Supplemental Lecturers

In response to a letter from PHCC which was addressed to LSPB Chairman, Mr. James Finley, dated January 10, 2011, requesting consideration of revising the Louisiana Administrative Code, Title 46, Part LV, Chapter 10, Section 1001(E)(2), to allow the use of supplemental instructors under the supervision of a licensed Master or Journeyman Plumber.

The CPE Committee reviewed and discussed this item which resulted in the suggested language not only to the referenced section, but for the WSPS and Medical Gas sections as listed below:

Louisiana Title 46, Part LV, Chapter 10, §1001.E.2

~~A course instructor may use, under their live supervision, a non-licensed, supplemental lecturer to present additional material as required. However, the minimum four hours required by this Section for journeymen and six hours for masters must be taught by an approved course instructor. A course instructor must identify in their application any supplemental lecturer they intend to use, and the subject matter the supplemental lecturer will discuss.~~ **An approved course (provider) instructor may use under their live supervision, a non-licensed supplemental lecturer to present additional materials as required. A course (provider) instructor must identify to the Board, any supplemental lecturer they intend to use, including a resume from the supplemental lecturer, and the subject matter the supplemental lecturer will discuss within thirty (30) days prior to the course being conducted.**

Louisiana Title 46, Part LV, Chapter 10, §1003.E.2

~~A course instructor may use, under their live supervision, a non-licensed, supplemental lecturer to present additional material as required. However, the minimum six hours required by this Section must be taught by an approved course instructor. A course instructor must identify in their application any supplemental lecturer they intend to use, and the subject matter the supplemental lecturer will discuss.~~ **An approved course (provider) instructor may use under their live supervision, a non-licensed supplemental lecturer to present additional materials as required. A course (provider) instructor must identify to the Board, any supplemental lecturer they intend to use, including a resume from the supplemental lecturer, and the subject matter the supplemental lecturer will discuss within thirty (30) days prior to the course being conducted.**

Louisiana Title 46, Part LV, Chapter 10, §1005.E.2

~~A course instructor may use, under their live supervision, a non-licensed supplemental lecturer to present additional material as required. However, the minimum two hours required by this Section must be taught by an approved course instructor. A course instructor must identify in their application any supplemental lecturer they intend to use, and the subject matter the supplemental lecturer will discuss.~~ **An approved course (provider) instructor may use under their live supervision, a non-licensed supplemental lecturer to present additional materials as required. A course (provider) instructor must identify to the Board, any supplemental lecturer they intend to use, including a resume from the supplemental lecturer, and the subject matter the supplemental lecturer will discuss within thirty (30) days prior to the course being conducted.**

3.) Discrepancies/Revisions in original language of Title

The CPE Committee reviewed and discussed other areas of Louisiana *Professional and Occupational Standards, Title 46, Part LV, Chapter 10* and is suggesting to the LSPB, the following language that may need to be revised.

- a. *Title 46, Part LV, Chapter 10, §1001.C.1.d.* “for master plumbers, two sessions of ~~three~~ **totaling six (6)** classroom hours each presented within a 30-day period.”
- b. *Title 46, Part LV, Chapter 10, §1001.C.9.* “Each course provider shall, at its own expense and in a format approved by the Louisiana State Plumbing Board, mail, fax or electronically transmit to the Louisiana State Plumbing Board certification of each licensee’s completion of CPE requirements within ~~30~~ **ten (10)** days of completion.
- c. *Title 46, Part LV, Chapter 10, §1003.A.1.* “In addition to the yearly renewal of their endorsement, every three years all persons holding a water supply protection specialist endorsement issued by the Louisiana State Plumbing Board are required to show proof of attendance at no less than ~~6~~ **four (4)** hours of a Louisiana State Plumbing Board-approved CPE training class in the prior three calendar years, as set out in this Section. ***In lieu of attendance at any such class, the Board may accept proof of the endorsee’s attendance or participation in the Board-approved, industry related recertification programs during any three year period***”
- d. *Title 46, Part LV, Chapter 10, §1003.C.2.a.* “a minimum of ~~six~~ **four (4)** classroom hours presented on one day; or”
- e. *Title 46, Part LV, Chapter 10, §1003.C.2.b.* “not less than two sessions of ~~three~~ **two (2)** classroom hours each presented with a 30 day period.”
- f. *Title 46, Part LV, Chapter 10, §1005.A.1.* “In addition to the yearly renewal of their endorsement, ~~every three years~~ all persons seeking to renew a medical gas piping

installer or medical gas verifier license issued by the Louisiana State Plumbing Board are required to show proof of attendance at no less than four hours of Louisiana State Plumbing Board-approved CPE class ~~in the prior three calendar years~~ *between each NFPA 99C code cycle or any code change of the NFPA 99C*, as set out in this Section. *In lieu of attendance at any such class, the Board may accept proof of the endorsee's attendance or participation in the Board-approved, industry related recertification programs between each NFPA 99C code cycle or any code change of the NFPA 99C.*"

Mr. Louis Robein mentioned problems with the providers receiving payment for the courses. He therefore suggested adding a fiscal responsibility provision. Providers would notify the Board of any pending payments after each class. These individuals would be listed on the roster but would not receive credit for the course until final payment was received by the provider. At that time, the provider would notify the Board to give credit to the individual.

MOTION: to accept the CPE Committee report and suggested revisions as presented by Mr. Berger and Mr. Robein
MOTION: KEITH BIENVENU
SECOND: RICKEY FABRA
MOTION: CARRIED

PREVIOUS MINUTES

(November 18, 2010)

MOTION: to accept the November 18, 2010 minutes as presented
MOTION: KELLY CRAFT
SECOND: RICKEY FABRA
MOTION: CARRIED

FINANCIAL REPORT

MOTION: to accept the financial report as presented by Rickey Fabra
MOTION: JERRY PAYNE
SECOND: KELLY CRAFT
MOTION: CARRIED

ADVISORY REPORT

Mr. Finley suggested that the Advisory Board meet and appoint a spokesperson sometime before the next Board meeting. He stated he would like the Advisory Board to be more active in the functions of the Board.

INDIVIDUAL MEMBER'S REPORT

a.) ***Kelly Craft***

Mr. Craft was contacted by a consumer in the Lake Charles area, Ms. Connie Gawith, regarding unlicensed persons performing plumbing work at her home. Mr. Craft explained that Ms. Gawith hired a licensed plumber to do plumbing work at her home; however, two unlicensed individuals were sent to her home by this company to perform the work. Ms. Gawith contacted her local news station to inform them of her story. Mr. Craft played the segment that aired on KPLC regarding Ms. Gawith's problems with the plumber she hired. After showing the segment, Mr. Craft explained that he feels this biggest issue is that the public is uneducated about the plumbing industry and the requirements. Mr. Craft was told by the correspondent he spoke with at KPLC that the licensed plumber admitted to using unlicensed personnel. He also stated that Ms. Gawith met with the Mayor of Lake Charles to inform him of what happened and his office basically stated that they could not do anything about it. Ms. Gawith then attended a city council meeting to see if they could be of any assistance. She was able to meet with the city attorney at this meeting and he stated that the way he understood the law, a licensed individual does not have to be on the premises while the work is being performed. Ms. Gawith then spoke to the Board thanking them for hearing her complaint in such a timely manner and again reiterated her discontent with this plumber/plumbing company and his complete disregard for the law. Mr. Finley then suggested that the individual be brought before the Board for an informal conference to discuss the matter. The other Board members agreed that the informal conference should be with the full board.

MOTION: to expedite an informal conference, have the Enforcement Officer for that region be diligent in the Lake Charles area and to involve the media as needed
MOTION: KELLY CRAFT
SECOND: LARRY REILING
MOTION CARRIED

The Board set March 3, 2011 as the date for the informal conference.

ENFORCEMENT OFFICERS' REPORT

The enforcement officers each gave their individual report. (See attached)

EXECUTIVE DIRECTOR'S REPORT

Mr. John Barker began by addressing a previous issue, that ratio of helpers/apprentices to licensed plumbers. He stated that he was working with the Louisiana Workforce Commission and Senator Mike Walsworth to reach an agreeable ratio that is more favorable to the plumbing industry.

Mr. Barker then read a letter from the Louisiana State Civil Service Commission. The letter commended Mr. Barker and his staff on an excellent performance planning and review report.

This agency received an outstanding rating. The commission congratulated Mr. Barker and his staff on a job well done. Mr. Finley and the Board then commended the staff as well.

Mr. Barker reiterated the fact that the Board is strained financially and needs to increase revenue. He explained that he and Mr. Henry Heier had met with Representative Smiley regarding a bill to help increase revenue for the Board. Mr. Heier stated that Representative Smiley informed them that a bill creating a new fee or increasing an existing fee would be a wise decision this year. They then suggested to Representative Smiley a bill that would allow the Board to assess fees administratively against individuals without a plumbing license that violate the plumbing law as they do already with license holders. Representative Smiley expressed that he would support a bill that makes enforcement more effective and expedient for consumers. Mr. Barker agreed that he felt an enforcement bill of this nature would be a wise choice this legislative session.

MOTION: To accept the Executive Director's Report as presented
MOTION: KEITH BIENVENU
SECOND: KELLY CRAFT
MOTION: CARRIED

EXAM REPORTS

1.) JOURNEYMAN EXAMINATIONS

- a.) **December 7, 2010 (Special) – John Barker – *no problems***
- b.) **December 13, 2010 (Special) – John Barker – *no problems***
- c.) **January 8, 2011 – Kelly Craft – *no problems***
- d.) **January 15, 2011 – Keith Bienvenu – *2 practicals were scheduled for the afternoon that Mr. Bienvenu felt could have been added to the morning session. Mr. Barker said he would address the issue to avoid and future problems.***

2.) MASTER EXAMINATIONS

- a.) **December 7, 2010 (Special) - Rickey Fabra – *no problems***
- b.) **January 4, 2011 (Special) – Rickey Fabra – *no problems***
- c.) **February 5, 2011 – Jerry Payne – *no problems***

NEW BUSINESS

Mr. Bienvenu inquired about the status of an inquiry into the administrative charge that the Louisiana State Licesning Board for Contractors assesses. He feels that if the SPBLA can assess this charge as well, it could be a way of increasing revenue. Mr. Robein explained that implementing new fees without proper authority makes the Board vulnerable to being sued and possibly having to pay back and monies collected. He feels that pursuing the proposed enforcement bill would be a much better route for increasing revenue.

**TENTATIVE DATE FOR THE NEXT
QUARTERLY BOARD MEETING**

May 19, 2011 is the tentative date of the next Quarterly Board Meeting of the State Plumbing Board of Louisiana.

ADJOURNMENT

MOTION: to adjourn the Quarterly Board Meeting of the State Plumbing Board of Louisiana at 11:19am

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

MOTION: CARRIED

Respectfully Submitted,

James C. Finley, Chairman

Rickey Fabra, Secretary/ Treasurer